



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,789	10/17/2003	Darren Saravis	70288.020900	9556

33717 7590 10/07/2005

GREENBERG TRAURIG LLP
2450 COLORADO AVENUE, SUITE 400E
SANTA MONICA, CA 90404

EXAMINER

TRAN, HANH VAN

ART UNIT	PAPER NUMBER
----------	--------------

3637

DATE MAILED: 10/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/688,789

Applicant(s)

SARAVIS, DARREN

Examiner

Hanh V. Tran

Art Unit

3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/4/05 & 3/22/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Llc

DETAILED ACTION

1. This is the First Office Action on the Merits from the examiner in charge of this application in response to applicant's preliminary-amendment filed on 10/18/2004.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 1-8, and 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over USP 6,560,095 to Zheng in view of USP 5,888,114 to Slocum.

Zheng discloses a connectable canvas panel comprising all the elements recited in the above listed claims including a frame with at least two corners, a canvas material attached over at least a portion of the frame forming a panel, a connector for connecting a plurality of panels, exterior pocket and holder, an exterior panel, and an exterior divider. The different being that Zheng does not disclose the connector at each corner of the panel, said connector being a latch or catch, with each catch having a deformable

Art Unit: 3637

slot walls and each latch with an enlarged head, the corner connector being a panel cover slide onto the panel near each corner, or affixed thereto by a fastener passing through a mounting guide, or fit into a support slot formed at each corner.

Slocum discloses a snap together modular storage system comprising all the elements recited in the above listed claims including (1) a plurality of panels each with four edges, four corners, a front side and a back side; (2) alternating plastic latches and catches with "deformable" slot walls formed near the corners each extends at approximately a 45 degree angle from the front and back sides, an alignment stop formed as part of each latches, and a corner buttress, with a support edge, formed at the junction of a latch and catch on adjacent sides of a corner, the support edge of each adjacent corner buttresses contact each other and form a larger corner support, figs 54-75. Slocum et al further teaches the idea of providing the latch and catch on a removable panel cover, supported one a front side of the panel cover, such as shown in Figs 1-16, means for attaching the panel cover to one of said panels by a slide-on mounting catch, or a snap-on mounting catch, such as shown in Figs 1-16, or a through-mount attachment guide with a fastener, such as shown in Fig 59, wherein providing the latch and catch on a removable panel cover increases the overall versatility of the snap together attachment system by allowing a user to customize the modular system by choosing the desired type, material and size of the panel element and then combining it with the panel covers. Therefore, it would have been obvious to modify the structure of Zheng by providing a removable panel cover having latches and catches provided thereon and means for attaching the panel cover to one of said panels by a slide-on

Art Unit: 3637

mounting catch or a snap-on mounting catch, or a through-mount attachment guide with a fastener, or a support slot along an edge of the panel for receiving of the through-mount attachment guide, and a fastener extending through the panel and the through-mount attachment guide, or a glue or adhesive which cures within the support slot and glue mount attachment guides; wherein providing the latch and catch on a removable panel cover increases the overall versatility of the snap together attachment system by allowing a user to customize the snap together attachment system by choosing the desired type, material and size of the panel element and then combining it with the panel covers, as taught by Slocum, since both teach alternate conventional panel connection structure, used for the same intended purpose of forming a toy structure, thereby providing structure as claimed.

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zheng, as modified, as applied to claim 1 above, and further in view of USP 5,699,820 to Evans et al.

Zheng, as modified, discloses all the elements as discussed above except for the panel further including a zipper.

Evans et al discloses a panel structure having a zipper 28 provided thereto in order to provide easy ingress and egress passage way. Therefore, it would have been obvious to modify the structure of Zheng, as modified, by providing the panel with a zipper in order to provide easy ingress and egress passage way, as taught by Evan et al, since both teach alternate conventional panel structure, used for the same intended purpose of forming an enclosed space, thereby providing structure as claimed.

Art Unit: 3637

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Akiyama, Mayr, Svagerko, Penner, Engel, Rodriguez-Ferre', Peacock et al, Guerra, Sorensen, and Zheng '949 all show structures similar to various elements of applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh V. Tran whose telephone number is (571) 272-6868. The examiner can normally be reached on Monday-Thursday, and alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HVT
October 3, 2005


Hanh V. Tran
Art Unit 3637